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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,528	11/21/2001	Dennis L. Montgomery	42503-273340 ETV-014(U)	3104
909	7590	09/27/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			CATHEY II, PATRICK H	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/991,528	Applicant(s) MONTGOMERY, DENNIS L.	
	Examiner Patrick H. Cathey II	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim's 1 and 21-24 have been considered but are moot in view of the new ground(s) of rejection.

Chida teaches placing both the low resolution and high resolution images in memory (Column 8, lines 54-65; Column 12, lines 49-55); See also Figures 1 and 5). Chida teaches calculating the differences in the area of the frame where the movement was detected, but interpolates the changed image with the rest of the frame in order to create the entire frame and store this updated image (Column 11, lines 15-56). This frame would be sequential to the frames that were produced previously.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim's 1-3, 5, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Chida (US 5,930,405).

As for Claim's 1, 3, 5, 6 and 9, Chida teaches inputting a first image, or a reference image, at a first resolution by the image sensing means. Chida then inputs a second image at a second, and lower, resolution by the input sensing means. If there is a differing area between the first two images that exceeds a predetermined threshold

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(Column 11, lines 3-8), then a third sensing means is inputted at a third, and higher, resolution by the sensing means and then stores this information that has changes in the first two sensing means (Column 3, line 55 to Column 4, line 2; see also Figures 9-12). These Figures also show that the process is repeated for the frames that follow. Repeating the steps of comparing, determining and operating for a plurality of subsequent frames that follow the frame such that each of the plurality of sequential frames is operated upon in the step of operating, where the data stored represents the plurality of the sequential frames stored at different resolutions (Column 8, line 54 to Column 9, line 27).

As for Claim 2, Chida teaches the predetermined number of previous frames comprising a window of time (Column 6, lines 11-16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim's 4, 7, 8, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chida in view of Freeman (US 5,396,284).

As for Claim 4, Chida fails to teach that the lower resolution from the second image is less than one half of the higher resolution of the third image, but Freeman does (Column 10, lines 48-66). Since the reason for this reduced resolution is to use less

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memory and Chida accomplishes this saving of memory with a slightly different method in the above rejection, it would have been obvious to one of ordinary skill to set the lower resolution to less than one half of the regular resolution when monitoring an area with low traffic.

As for Claim 7, Chida fails to teach redesignating as the reference frame the previous target frame and redesignating the new target frame with another subsequent frame that follows the new reference frame, but Freeman does (Column 5, lines 30-53). Since redesignating the new reference frame with the previous target frame is to simplify the process of observation and use less memory, it would have been obvious to one of ordinary skill to reuse the previous target frame as the new reference frame.

As for Claim's 8 and 21, many of the limitations have been addressed with the above rejections. Chida fails to teach compressing the images for reducing the frame storage size for a first group of subsequent frames from a larger storage size to a smaller storage size when there is no movement, or the predetermined threshold has not been exceeded. Chida also fails to teach increasing the frame storage size for a second group of frames from a smaller storage size to a larger storage size when there is movement detected, or the predetermined threshold has been exceeded. Freeman teaches compressing various images from the image sensing device and being able to display these various images on a display screen at a compressed size (Column 3, lines 22-32). If there were movement detected in one of the various screens then a larger image would be able to be pulled up to take the entire screen while the movement is taking place. Since Freeman teaches compressing these images while there is no

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movement or the predetermined threshold has not been exceeded shows a method a saving storage size compared to a larger frame while Chida teaches a similar method of saving storage size with regular and reduced storage sizes, it would have been obvious to one of ordinary skill to compress or reduce the size of the lower resolution image when there is no movement in order to save frame storage size.

As for Claim's 23 and 24, many of the limitations have been addressed in the above rejections. Chida teaches placing the first group of images in memory at a lower resolution (Column 13, lines 37-41) and if there is a difference then the difference calculation step interpolates a second group of images that will be stored at a higher resolution (Column 3, line 55 to Column 4, line 2).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chida.

As for Claim 22, Chida teaches designating the updated frame as a new reference frame at a high resolution and comparing the next frame selected from the sequence of frames to the new reference frame to obtain a difference (Column 13, lines 10-27), but fails to specifically store the reference frame at the reduced resolution. Since the frames that do not have movement are already at a lower resolution and these are the frames that the reference frame is being compared to, it would have been obvious to one of ordinary skill to store the reference frame at the same lower resolution as the frames in which the reference is being compared to monitor motion. (Official Notice)

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Cathey II whose telephone number is (571)272-7326. The examiner can normally be reached on M-F 7:30 to 5:00 (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick H. Cathey II
Examiner
Art Unit 2613

PHC

MEHRDAD DASTOURI
SUPERVISORY PATENT EXAMINER
TC 2600
Mehrdad Dastouri